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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,947	03/12/2004	Gary Dean LaVon	9577	8015

27752 7590 03/16/2006

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EXAMINER

EVANS, CHIVONNE LAURIE

ART UNIT PAPER NUMBER

3761

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799.947

Applicant(s)

LAVON ET AL.

Examiner

Chivonne L. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-15, 20 is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (EP 0951890) in view of Putzer et al. (6102892). Sasaki teaches an disposable absorbent article comprising: a liquid impervious (Column 4, lines 11-12) outer cover **2** (chassis) with a inner sheet **2A** (interior surface) and a outer sheet **2B** (exterior surface) and front **6** and rear **7** waste region with transversely extensible waste elastics, first elastic members **11** (Column 3, lines 45-50), that form altered regions of alternating folds in the front and rear waste regions with the region extending there between being unaltered as shown on the front waste section **6** of Figure 1. The absorbent pad **3** taught by Sasaki has an elongated pad **23** with a topsheet **21**, a liquid impervious backsheet **22** (bottom sheet) connected to the inner sheet **2A** of the out cover creating an addition lower liquid impervious sheet. Sasaki also teaches barrier cuffs **24** (side flaps) that extend outward beyond the transversely opposite edges of the absorbent pad body **23**, which contain elastic members **33** along the distal edge **27** and elastic member **34** along proximal edge **26** of longitudinal sides of the cuffs (Column 4, lines 43-50). The barrier cuffs have an inner **46** and outer layer **47** in which the inner layer is attached to the topsheet of the absorbent pad **3** and the outer layer is attached to the

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outer sheet of the pad. (Column 5, lines 15-17. It is shown by Sasaki in Figures 3 that the front and rear sections of the outer cover **2** overlap (overlap is defined as to lie or extend over and cover part of) the barrier cuffs **24** whereas the pad **3** is joined at the longitudinal opposite sections **6,7** to the outer cover, meaning that in at least those waste sections, the barrier cuffs **24** are attached to the outer cover **2**. Sasaki discloses the invention substantially as claimed except the re-fastenable fastening element, and that element being adhesive tape or a mechanical fastener. Putzer teaches a diaper with fastening means such as tape and mechanical fasteners to provide a mechanism for holding the diaper on the wearer (Column 8, lines 15-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sasaki's disposable article with fastening means and core composition, taught by Putzner, to secure the article to the wearer and to provide a sufficient means for absorbing and retaining bodily fluids.

Allowable Subject Matter

3. Claims 1-15 and 20 are allowed. The applicants amended independent claims 1 and 20 to include a limitation where lateral opposing portions of a chassis in the crotch region are folded laterally inward to overlap side flaps and are attached to the side flaps. The closest prior art of record Sasaki (EP 0951890). Sasaki taught the invention substantially as claimed except for the overlapping chassis in the crotch region of the diaper.

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Response to Arguments

4. Applicant's argument, see pages 1-13, filed 12/06/2005, with respect to claims 1-15 and 20 have been fully considered and are persuasive. The rejection of claims 1-15 and 20 have been withdrawn.

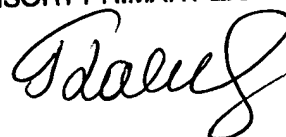
5. Applicant's arguments with respect to claims 16-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chivonne L. Evans whose telephone number is 571-272-8686. The examiner can normally be reached on between 6:30-3:30, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chivonne L. Evans
Examiner
Art Unit 3761

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TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

